

AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 805

Introduced by Assembly Member Chu

February 18, 2005

An act to add Section 6713 to the Labor Code, relating to occupational safety and health.

LEGISLATIVE COUNSEL'S DIGEST

AB 805, as amended, Chu. Occupational safety and health: heat illness prevention.

Existing law, the California Occupational Safety and Health Act of 1973, requires employers to provide safe and healthful working conditions for all employees, authorizes the enforcement of effective standards, and provides penalties for employers who fail to comply with the act's provisions. The act also provides that a knowing, negligent, or repeated violation of any standard authorized by the act that creates a real and apparent hazard to employees, is a misdemeanor.

This bill would require the Occupational Safety and Health Standards Board to, no later than December 1, 2006, adopt an occupational safety and health standard *proposed by the Division of Occupational Safety and Health* for heat illness prevention, and would prescribe certain requirements for that standard. Because an employer that repeatedly violates this standard, thereby creating a real and apparent hazard to employees, would be guilty of a misdemeanor under existing law, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6713 is added to the Labor Code, to
2 read:

3 6713. (a) The standards board shall, no later than December
4 ~~1, 2006, adopt an occupational safety and health standard for heat~~
5 *1, 2006, adopt an effective occupational safety and health*
6 *standard proposed by the division for heat illness prevention, in*
7 *accordance with Section 144.6.*

8 (1) The standard shall require every employer to establish,
9 implement, and maintain *written effective* procedures to do the
10 following:

11 ~~(A) Prevent, recognize, and provide for immediate and~~
12 ~~appropriate medical treatment of heat illness suffered by its~~
13 ~~employees.~~

14 ~~(B)–~~

15 (A) Identify and evaluate workplace hazards associated with
16 heat illness, including, but not limited to, procedures for
17 monitoring the temperature at the worksite and identifying and
18 evaluating the occurrence of a heat wave.

19 ~~(C) Correct in a timely manner, based on the severity of the~~
20 ~~hazard,~~

21 (B) *Prevent, recognize, and provide for immediate and*
22 *appropriate medical treatment of heat illness suffered by its*
23 *employees.*

24 (C) *Evaluate and take appropriate steps to protect employees*
25 *from exposures to environmental, work, and individual*
26 *conditions that are associated with the occurrence of heat illness,*
27 *including, among other environmental conditions, a heat wave.*

28 ~~For~~

29 (2) *For purposes of this paragraph paragraph (1), effective*
30 *procedures shall include, but not be limited to, the following:*

31 ~~(i)–~~

1 (A) Access at all times to an adequate supply of *potable*
2 drinking water as specified in Sections 1524, 3363, 3457, and
3 6975 of Title 8 of the California Code of Regulations, *and*
4 *encouraging the frequent drinking of water.*

5 ~~(ii)~~

6 (B) A system of *communication* so that employees at risk of
7 heat illness shall either not work alone or shall be required to
8 have personal, radio, or telephone contact with a responsible
9 adult at specified intervals during work hours.

10 ~~(iii)~~

11 (C) Access at all times to a shaded *rest* area, which, if feasible,
12 shall be ~~a cooled rest area~~ *cooled*.

13 ~~(iv)~~

14 (D) Acclimatization procedures.

15 ~~(v)~~

16 (E) Provision for hourly rest breaks *of at least 10 minutes in*
17 *duration* during heat waves and in other situations when the
18 hazard of heat illness is high.

19 ~~(vi)~~

20 (F) Provision ~~in advance for~~ *to be made in advance for prompt*
21 emergency medical transportation and immediate medical
22 attention to cases of suspected heat illness.

23 ~~(2)~~

24 (3) The standard shall also require the employer to incorporate
25 the applicable requirements of relevant sections of Title 8 of the
26 California Code of Regulations into its heat illness prevention
27 procedures.

28 ~~(3)~~

29 (4) The standard shall require every employer *annually* to
30 provide heat illness prevention training, in a manner and
31 language ~~employees understand~~ *understandable by all*
32 *employees*, to all employees ~~determined by the employer to be~~ at
33 risk of heat illness at the time the procedures required by this
34 section are first established, and subsequently to other employees
35 prior to their initial assignments to any job that may place the
36 employee at risk of heat illness. The standard shall require
37 additional training in the recognition of heat illness and the
38 administration of first aid for heat illness, which is equal to
39 training provided by the American Red Cross or the Mining

1 Enforcement and Safety Administration, to be provided to
2 supervisors of employees ~~determined to be~~ at risk of heat illness.

3 ~~(4)–~~

4 (5) Training required to be provided by the employer pursuant
5 to paragraph (3) shall address the following topics:

6 (A) The different types of heat illness, recognition of common
7 symptoms and signs of heat illness, and the effect of heat illness
8 on the body's systems if symptoms and signs of heat illness are
9 disregarded.

10 (B) An explanation to employees of the importance of
11 immediately reporting to the employer symptoms or signs of heat
12 illness in themselves or in coworkers.

13 (C) Factors contributing to the occurrence of the different
14 types of heat illness, including the following:

15 (i) Environmental conditions, such as heat wave, temperature,
16 humidity, and air movement.

17 (ii) Work conditions, such as the level of physical exertion and
18 the use of protective clothing, inadequate rest breaks, and meal
19 periods.

20 (iii) Individual conditions that increase susceptibility to the
21 different types of heat illness, such as inadequate consumption of
22 ~~water and lack of adequate heat acclimatization.~~ *water, lack of*
23 *adequate heat acclimatization, and use of alcohol and both*
24 *therapeutic and illegal drugs.*

25 (D) The employer's procedures for identifying and evaluating
26 the hazards, and for ~~correcting~~ *controlling* exposures to
27 ~~environmental, work, and individual~~ *environmental and work*
28 conditions, that are associated with the occurrence of heat illness.

29 (6) *The standard shall include a Non-Mandatory Appendix*
30 *that recommends peer-reviewed guidelines that employers may*
31 *utilize in developing heat illness prevention and control*
32 *programs and acclimatization procedures. Listed guidelines shall*
33 *include the National Institute for Occupational Safety and Health*
34 *criteria for a Recommended Standard for Occupational Exposure*
35 *to Hot Environments, the American Conference of Government*
36 *Industrial Hygienists guidelines for work in heat, and other*
37 *guidelines as appropriate.*

38 (b) For purposes of the standard required by subdivision (a),
39 the following definitions apply:

(1) “Acclimatization” means a temporary protective adjustment by the body’s systems to heat exposure that develops in most people within 4 to 10 days after exposure to at least two hours per day of working in heat.

(2) “Adequate supply of drinking water” means ~~four gallons of~~ *two gallons of potable* water per employee per eight-hour day *at the worksite* when the daily maximum temperature exceeds 90 degrees Fahrenheit.

(3) “Heat illness” means a group of medical conditions resulting from the body’s inability to cope with a particular heat load, and includes heat cramps, heat exhaustion, heat syncope, and heat stroke.

(4) “Heat wave” means a day when daily maximum dry bulb air temperature exceeds 95 degrees Fahrenheit or when daily maximum temperature exceeds 90 degrees Fahrenheit and the temperature on that day is 9 degrees Fahrenheit or more above the maximum reached on the preceding day. *Heat waves include, but are not limited to, days when the National Weather Service has forecast a heat wave or issued a Heat Alert for the geographic area.*

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

CORRECTIONS:

Text- Pages 3 and 5.